

REMARKS

Claims 12-17, 19, 29-32, and 34-37 were pending and claims 12-17, 19, 29-32, and 34-37 stand rejected. By virtue of this response, claims 36 and 37 have been cancelled and no claims have been amended or added. Accordingly, claims 12-17, 19, 29-32, 34, and 35 are currently under consideration. For the Examiner's convenience, Applicants' remarks are presented in the same order in which they were raised in the Office Action.

Claim Rejections under 35 USC §103

Claims 12-17, 19, 29-32, and 34-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Vanderheyden et al. (U.S. Patent No. 6,078,481) in view of Henrich (U.S. Patent No. 6,095,445). Applicants note that the Office Action listed the Vanderheyden patent number as "6,15,982"; however, this is believed to be a typographical error and Applicants believe they have correctly identified the patent number herein.

Applicants respectfully traverse the rejection and submit that Vanderheyden, alone or in combination with Henrich, fails to disclose or reasonably suggest a tape drive wherein "the storage tape passes adjacent the data transducer along the tape path between at least the first guiding element and the take-up reel," where the "at least first guiding element" is included with the tape drive, as recited by claim 12.

Specifically, the cartridge disclosed by Vanderheyden would not have been used by one of ordinary skill in the art with the tape drive disclosed by Henrich (or a tape drive meeting the features of claim 12), wherein the tape is guided from the cartridge to a first guiding element of the tape drive, adjacent a data transducer, and to a take-up reel. In contrast to the recited features, Vanderheyden discloses tape drive 400 for use with tape cartridge 10, where tape head 430 of tape drive 400 is inserted into tape head receiving portion 24 of tape cartridge 10 for reading and writing operations, and where tape cartridge 10 has a tape path 452 for presenting multiple layers of the tape at tape head receiving portion 25. (see, e.g., Figs. 4 and 9; col. 5, lines 1-19; col. 7, line 61 to col. 8, line 9). Thus, guides 501 and 502 of Vanderheyden are configured to present multiple layers at tape

head receiving portion 25 for reading and/or writing by tape head 430. Further, there is no need or suggestion to have the tape from cartridge 10 follow a path through a tape drive passing a second data transducer as suggest by the Examiner (for example, if Vanderheyden and Henrich were combined). Accordingly, the combination fails to disclose or suggest a tape path as recited, e.g., passing adjacent a data transducer between a first guiding element (of the tape drive) to the take-up reel, as the reading and writing operations of the Vanderheyden cartridge 10 occur via tape head receiving portion 25 as clearly described.

Furthermore, modifying Vanderheyden in light of Henrich to meet the features of the present claims recited above would inappropriately and impermissibly alter the principle of operation of Vanderheyden. (MPEP § 2143.01, i.e., “The proposed modification cannot change the principle of operation of a reference.”) In this instance, Vanderheyden clearly describes the principle of operation thereof as presenting two or more levels or layers of tape at the tape head receiving portion 25 for access by tape head 430. (Vanderheyden, Col. 3, lines 2-4.) Accordingly, modifying the cartridge of Vanderheyden for use with the tape drive of Henrich to meet the presently recited features would alter the principle of operation of Vanderheyden. For example, the tape path would stream through the drive of Henrich and past a transducer head, thereby altering the principle of operation of Vanderheyden (i.e., presenting multiple layers at the tape head receiving portion 25 as described throughout the reference).

Accordingly, for at least these reasons, there is no teaching, suggestion, or motivation, to combine Vanderheyden with Henrich to include the cartridge of Vanderheyden (for presenting multiple layers of tape at tape head receiving portion 25) with a drive such as disclosed in Henrich (for streaming tape from a conventional cartridge past a data transducer head to a take-up reel (Figure 1). Accordingly the rejection should be withdrawn to claim 12 and all claims depending therefrom.

Claim 29 includes a similar limitation as claim 12 discussed above. Specifically, claim 29 recites linearly streaming a storage tape adjacent a data transducer of the tape drive wherein “the data transducer is located along the tape path between a first guiding element of the tape drive and

the take-up reel of the tape drive.” For at least the same reasons discussed above, the combination of Vanderheyden and Henrich fails to disclose or reasonably suggest these features. Accordingly, claim 29 and claims depending therefrom should be allowed.

Claims 36 and 37 have been cancelled, thereby rendering the rejection to these claims moot.

CONCLUSION

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 249212022700. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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